

CHAPTER 9

WORKING WITH BRS

Section 9-1

INVESTIGATIONS

9-1.1 Authorization. Section 26 of the *Motor Vehicle Service and Repair Act* (MCL 257.1326) authorizes the Michigan Department of State to make investigations and gather evidence against persons who may have violated, or are about to violate, the Repair Act or an administrative rule. Complaints filed by consumers are routinely handled by an investigator of the Department's Bureau of Regulatory Services (BRS).

9-1.2 Investigations. The Bureau of Regulatory Services receives thousands of consumer complaints every year. The bureau attempts to gather all of the facts in these cases. Repair facilities can almost always provide critical information to BRS to assist in the investigation. When consumer complaints are filed, the bureau will contact the repair facility in one or more of the following ways:

- (a) **Mail.** The Bureau of Regulatory Services will send the repair facility a letter asking for a response to the consumer's complaint. The facility's side of the dispute is very important in resolving the problem. Providing the bureau with a written response, in the desired timeframe, will help assure that the dispute is handled as quickly and fairly as possible.
- (b) **Telephone Contact.** A Bureau of Regulatory Services investigator may telephone the repair facility to discuss the consumer's complaint. It is very important that the facility's side of the dispute be given. Providing the bureau with forthright answers and copies of transaction records will assist in a proper resolution of the complaint.

- (c) **Personal Contact.** Sometimes in-person, face-to-face visits to repair facilities are necessary to investigate certain complaints. Bureau of Regulatory Services investigators will properly identify themselves when contacting the facility. Section 17 of the *Motor Vehicle Service and Repair Act* (MCL 257.1317) permits the Bureau of Regulatory Services and other law enforcement officers to inspect repair facilities during normal business hours. All records pertaining to repair transactions performed within the past five years are subject to inspection.

NOTE: All records of warranties, contracts or agreements that extend beyond five years must be maintained until the warranty or contract period expires.

9-1.3 Timely and Favorable Responses. When a repair facility is contacted by the Bureau of Regulatory Services, a timely response will help ensure that the complaint is handled quickly. Delays in answering letters or telephone calls will only prolong the investigation. Also, failing to cooperate with a Bureau of Regulatory Services investigator can result in action being taken against the repair facility for hindering an investigation. Here are some helpful hints:

- (a) Reply promptly. This may avoid the need for further follow-up;
- (b) Include copies of all relevant paperwork with your response;
- (c) When responding to a letter, reply in writing. A written response may avoid the need for further contacts.

Section 9-2

VIOLATIONS

9-2.1 Restitution. There are times when the repair facility will agree that the consumer is indeed entitled to some sort of compensation. This can come in the form of giving money back, reworking a repair job, or extending a warranty period. Anytime a facility can provide this kind of restitution, it helps to bring the case to a close.

9-2.2 When Violations Are Alleged. In the course of an investigation or an inspection, the BRS investigator may determine that the repair facility failed to meet the requirements of the *Motor Vehicle Service and Repair Act*. The investigator may find it necessary to issue a Notice of Noncompliance (NNC) which is similar to a “ticket.” By issuing an NNC, the Bureau of Regulatory Services investigator believes there was enough evidence to justify issuing a violation notice. Of course, the cited repair facility can appeal the Notice of Noncompliance to higher levels in BRS. The appeal must be made in writing and must include the reason the facility believes the violation was inappropriately issued. Supporting documents must be attached. Appeals should be sent to:

Michigan Department of State
Bureau of Regulatory Services
Regulation and Compliance Section
Lansing, MI 48918

9-2.3 Disciplinary Action. When an NNC has been issued, it is the responsibility of the Bureau of Regulatory Services to determine what disciplinary action, if any, should be taken against the repair facility or mechanic.

- (a) Depending on the seriousness of the violations, the past record of the repair facility or mechanic, and the action taken to satisfactorily resolve the matter, disciplinary action may range from a warning letter to suspension or revocation of the repair facility’s registration or mechanic’s certification.
- (b) Typically, before action is taken to suspend or revoke a facility registration or mechanic certification, the repair facility or mechanic is given an informal opportunity to meet with Bureau of Regulatory Services representatives to discuss the matter and, hopefully, reach an agreeable conclusion.
- (c) Only in the most serious cases, or when an agreeable conclusion cannot be reached, is an administrative hearing held to determine whether it is appropriate to suspend or revoke the registration of the repair facility or the certification of the mechanic.

9-2.4 Violation Retention. Violations issued to a repair facility or mechanic by the Bureau of Regulatory Services are kept by the bureau indefinitely and are a matter of public record (Administrative Rule 257.102). Violations remain active on repair facility and mechanic records for two years.

Section 9-3

AUDITS

The Bureau of Regulatory Services periodically conducts audits regarding the calculations used to establish repair facility registration renewal fees. In most cases, audits are done by mail.

- (a) The facility being audited is asked a number of questions concerning its gross annual revenue for one or more years.
- (b) The audit form and supporting documents must be sent to the Bureau of Regulatory Services.
- (c) Facilities that do not respond to an audit letter, or where additional information is needed, receive a personal visit from a Bureau of Regulatory Services representative. When it is determined that a repair facility provided false information concerning its reported gross annual revenue, disciplinary action is taken.